UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,447	03/27/2001	Lance E. Olson	MS158546.1	2074

27195 7590 04/20/2005	EXAMINER
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ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/818,447	OLSON ET AL.
Office Action Summary	Examiner	Art Unit	
	VAN H NGUYEN	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _06 October 2004_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-16 and 29-40_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-16 and 29-40_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage

         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Applicant's election of group I (claims 1-16 and 29), filed October 06, 2004 is

acknowledged. Because applicant did not distinctly and specifically point out the supposed

errors in the restriction requirement, the election has been treated as an election without traverse

(MPEP § 818.03(a)).

2.   Elected claims 1-16 and 29 and new claimed 30-40 are presented for examination.

3.   It is noted that applicant has other related application (i.e., application 09/818,448 filed

March 27, 2001). It is requested that any related application be referred to in the first sentence of

the specification. Applicant is also requested to supply the serial numbers of any other related

applications currently pending before the U.S Patent & Trademark Office.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

5.   Claim 1-16 and 30-40 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

6.   Claim 1 appears to be a data structure per se that is nonfunctional.

7.   Dependent claims 2-16 are rejected for fully incorporating the deficiencies of their base

claim.

Double Patenting

8.   **Obviousness-type double patenting rejection**

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in

public policy (a policy reflected in the statute) so as to prevent the unjustified or improper

timewise extension of the "right to exclude" granted by a patent and to prevent possible

harassment by multiple assignees. See In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.

CIT. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re van Ornum, 686

F.2d 937, 214 USPQ 761 (CCPA 1982); In re Uogel, 422 F.2d 438, 164 USPQ 619 (CCPA

1970); and In re Thorington,418 F.2d 528, 163 USPQ 644 (CCPA 1969).

9.   A timely filed terminal disclaimer in compliance with 37 C.F.R. ' 1.321(b) would

overcome an actual or provisional rejection on this ground provided the conflicting application

or patent is shown to be commonly owned with this application. See 37 C.F.R. ' 1.78(d).

10.   Effective January 1, 1994, a registered attorney or agent of record may sign a terminal

disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR

3.73(b).

11.   Claim 1 is are rejected under the judicially created doctrine of obviousness-type double

patenting as being unpatentable over claim 1 of application 09/818,448 filed March 27, 2001.

12.   Although the conflicting claims are not identical, they are not patentably distinct from

each other because claim 1 of instant application and claim 1 of copending application'448 are

both claiming a system for communicating over a protocol; a class factory comprising a plurality

of identifiers; at least one registered protocol object creator, the at least one protocol object

creator adapted to create at least one protocol object. The difference between claim 1 of instant

application and claim 1 of copending application'448 is claim 1 of copending application'448

further recites a content associated with a Uniform resource Identifier. A Uniform resource

Identifier is well known for identifying an object on the World Wide Web.

14.   As to the remaining claims 2-16 and 29-40, they are also rejected under obvious type

double patenting as stated in claim 1 above.

15.   This is a provisional obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made

17.   Claims 1-16 and 29-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lee et al. (Pub. No.: US 2002/0161673).

18.   As to claim 1, Lee teaches the invention substantially as claimed including a system for

communicating over a protocol (paras. 0027-0028), comprising: a class factory (250; fig. 2)

comprising: a plurality of identifiers (212, 214, 216, 218, 230, 232 , 234, 236, 242; fig.2) ; and at

least one registered protocol object creator (210, 220, and 240; fig. 2) associated with at least one

of the plurality of identifiers, the at least one registered protocol object creator adapted to create

at least one protocol object (paras.0037-0043).

Lee does not specifically use the term "class factory". It would have been obvious to one

of ordinary skilled in the art at the time the invention was made to recognize that Lee's record

250 is in fact some kind of class factory because a class is well known in object-oriented

programming which is a descriptive tool used in a program to define a set of attributes or a set of

services that characterize any member of the class. In this case, Lee's record would have been

obviously a class factory as claimed language because Lee's record defines a set of attributes or a

set of services (e.g., a requester field, a metadata field, and hyperlink field list), which is defined

by a plurality of identifiers and associated objects.

19.   As to claim 2, Lee teaches a reading component adapted to read a first data from a

resource, the first data having at least one of, a format specific to the protocol and one or more

headers and/or footers specific to the protocol when it is read from the resource (para. 0028); and

a writing component adapted to write a second data to the resource, the second data having at

least one of, a format specific to the protocol and one or more headers and/or footers specific to

the protocol when it is written to the resource (paras. 0043-0044).

20.   As to claim 3, Lee teaches the resource is, among other things, a service (requests for

Web pages; para. 0028), the resource being accessible over a network (a network 125; para.

0027).

21.   As to claim 4, Lee teaches the protocol is, among other things, a Hypertext Transfer

Protocol (para. 0028).

22.   As to claim 5, Lee teaches the plurality of identifiers comprise one or more Uniform

Resource Identifiers (para. 0042).

23.   As to claim 6, Lee teaches the plurality of identifiers comprise one or more prefixes

associated with one or more URIs (para. 0042).

24.   As to claim 7, Lee teaches the at least one protocol object creator instantiates the at least

one protocol object, and wherein the protocol object creator is software in execution (see fig.

10a).

25.   As to claim 8, Lee teaches the at least one protocol object creator registers one or more

implemented creating methods with the class factory, the creating methods being defined in an

abstract base class and implemented by the at least one protocol object (paras. 0053-0056).

26.   As to claim 9, Lee teaches the at least one or more protocol object inherits from one or

more abstract base classes (para. 0039).

27.   As to claim 10, Lee teaches the at least one protocol object is adapted to read the first

data from the resource (para.0039).

28.   As to claim 11, Lee teaches the at least one protocol object makes the data read from the

resource available as a byte stream (para. 0040).

29.   As to claim 12, Lee teaches the at least one protocol object removes at least one of a

format specific to the protocol and one or more headers and/or footers specific to the protocol

from the first data (para. 0039).

30.   As to claim 13, Lee teaches the at least one protocol object is adapted to write the second

data to the resource (para.0065).

31.   As to claim 14, Lee teaches the at least one protocol object accepts a byte stream to write

as the second data to the resource (para. 0057).

32.   As to claim 15, Lee teaches the at least one protocol object adds at least one of a format

specific to the protocol and one or more headers and/or footers specific to the protocol to the

second data (para. 0039).

33.   As to claim 16, Lee teaches an adding component adapted to add one or more identifiers

to a list of registered identifiers and further adapted to add one or more protocol object creating

methods to a list of registered protocol object creating methods (paras.0039-0040).

34.   As to claim 29, the rejection of claim 1 above is incorporated herein in full. Additionally,

Lee further teaches the identifiers are URLs (para. 0042); a reader adapted to read a first data

from a resource, where the first data has formatting specific to the protocol when the first data is

read from the resource (para. 0028), where the protocol is, among other things, a Hypertext

Transfer Protocol (para. 0028), where the resource is, among other things, at least one of a

service (requests for Web pages; para. 0028), and where the resource is accessible over a

network (a network 125; para. 0027); and a writer adapted to write a second data to the resource,

where the second data has formatting specific to the protocol when the second data is written to

the resource (paras. 0043-0044).

35.   As to claim 30, the rejection of claim 1 above is incorporated herein in full. Additionally,

Lee further teaches a protocol object selection component that selects a protocol object based at

least in part on information associated with an identity of at least one resource with which the

system is attempting to communicate and a protocol employed by the at least one resource

(paras. 0039-0043).

36.   As to claim 31, Lee teaches a reading component that reads a first data set, the first data set comprises information related to at least one of a format and a header specific to a first protocol associated with the first data set when read from a first resource (para.0028 and fig.1).

37.   As to claim 32, Lee teaches a writing component that generates a second data set and transmits the second data set to a second data source, the second data set comprises information associated with at least one of a format and a header specific to a second protocol associated with the second resource (paras. 0043-0044).

38.   As to claim 33, Lee teaches the first and second protocols are dissimilar protocols (para. 0059).

39.   As to claims 34-36, refer to claims 4-6 above.

40.   As to claim 37, Lee teaches the object generator is associated with one or more constructors, each constructor produces a protocol object specific to a particular protocol (fig.2 and the associated text).

41.   As to claim 38, Lee teaches the protocol object reads data from a first resource, formats read data as a byte stream, and writes data to a second resource (para. 0028 and fig.1).

42.   As to claim 39, Lee teaches the first and second resources are the same resource (para. 0061).

43.   As to claim 40, refer to claim 40 above.

Response to Arguments

44.   Applicant's arguments with respect to claims 1-16 and 29-40 have been fully considered,

but are deemed to be moot in view of the new grounds of rejection.

Conclusion

45.   Any inquiry or a general nature or relating to the status of this application should be

directed to the TC 2100 Group receptionist: (571) 272-2100.

46.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765.

The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The

examiner can also be reached on alternative Friday.

47.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (571) 272-3756.

48.   The fax phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

49.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
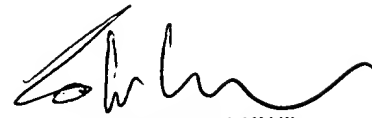
Any response to this action should be mailed to:
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Van H. Nguyen

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